

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1-24 remain in the application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 2-7, 10, 14-19, and 22 have each been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, (i) claims 1, 2, 8, 9, 12-14, 20, 21, and 24 were rejected under 35 U.S.C. § 103(a) as being anticipated by Ueda (U.S. Patent No. 6,289,102) in view of Kamibayashi (U.S. Patent No. 7,065,648), (ii) claims 3, 5-7, 10, 15, 17-19, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Kamibayashi and further in view of Dondeti, and (iii) claims 4, 11, 16, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Kamibayashi and Dondeti and further in view of Harada (U.S. Patent No. 6,850,914). Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1, 8, 11, 12, 13, 20, 23, and 24 have each been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found, e.g., in Figs. 15 and 36 and in ¶¶ [0200], [0202], [0219], [0272]-[0274], and [0296] of the specification.

As amended herein, claim 1 recites:

a memory stick loaded in the data processing  
apparatus and operable to execute mutual  
authentication;

the data processing apparatus including:

a mutual authentication unit disposed within the data processing apparatus and operable to execute mutual authentication so that when the external storage device does not include any structure operable to execute the mutual authentication or is not operable to enable such mutual authentication or the memory of the external storage device is devoid of ciphering function, the mutual authentication is alternatively carried out between said mutual authentication unit disposed within the data processing apparatus and said memory stick loaded in the data processing apparatus instead of being carried out between said data processing apparatus and the external storage device[.]

(Emphasis added.)

For at least the reasons set out in the prior Amendments dated December 15, 2008 (see pages 19-20) and August 11, 2008 (see pages 18-20), neither the relied on sections of Ueda nor the relied on sections of Kamibayashi disclose or suggest a memory stick loaded in a data processing apparatus, neither the relied on sections of Ueda nor the relied on sections of Kamibayashi disclose or suggest a memory stick loaded in a data processing apparatus and operable to execute mutual authentication, and neither the relied on sections of Ueda nor the relied on sections of Kamibayashi disclose or suggest that mutual authentication is alternatively carried out between a mutual authentication unit disposed within a data processing apparatus and a memory stick loaded in a data processing apparatus when an external storage device does not include any structure operable to execute mutual authentication or is not operable to enable such mutual authentication or the memory of the external storage device is devoid of ciphering function.

It follows, for at least these reasons, that neither the relied-on sections of Ueda, nor the relied-on sections of Kamibayashi, whether taken alone or in combination, disclose or

suggest the data processing apparatus set out in claim 1, and therefore claim 1 is patentably distinct and unobvious over the relied on references.

Independent claims 8, 11, 12, 13, 20, 23, and 24 each call for features similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Kamibayashi at least for the same reasons.

Claims 2-7 depend from claim 1, claims 9-10 depend from claim 8, claims 14-19 depend from claim 13, and claims 21-22 depend from claim 20. Therefore, each of these claims is distinguishable over the relied on sections of Ueda and Kamibayashi at least for the same reasons as its parent claim.

Neither the relied on sections of Dondeti nor the relied on sections of Harada remedy the deficiencies of the relied on sections of Ueda and Kamibayashi.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 103(a).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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